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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,986	05/20/2004	Vinode Ramnauth	MBT-13702/03	8686

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EXAMINER	
TALBOT, MICHAEL	
ART UNIT	PAPER NUMBER
3722	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/849,986	RAMNAUTH ET AL.	
	Examiner	Art Unit	
	Michael W. Talbot	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 May 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) *28-38* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,8-14,18,19,21,23,26 and 27* is/are rejected.

7)☒ Claim(s) *5-7,15-17,20,22,24 and 25* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 May 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 9/3/04
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

   I. Claims 1-27, drawn to a machine for carrying out machining operations on rectangular frameworks, classified in class 408, subclass 69.

   II. Claims 28-38, drawn to a method for processing plastic frameworks, classified in class 156, subclass 304.2.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, apparatus as claimed can be used to practice another and materially different process which does not welding elongate plastic frame members together in a plastic frame welding machine.

3. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Allen Krass on June 16, 2006, a provisional election was made without traverse to prosecute the invention of Group I, claims 1-27. Affirmation of this election must be made by applicant in replying to this Office action. Claims 28-38 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Specification

5. The abstract of the disclosure is objected to because of undue length. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The disclosure is objected to because of the following informalities:

Refer to page 12, paragraph [0041], lines 17 through 18, the phrase "As shown in Figure 1, a cable track support 72" should be changed so as to read --As shown in Figure 1B, a cable track support 72--.

Appropriate correction is required.

Claim Objections

7. Claim 27 is objected to because of the following informalities:

Refer to claim 27, line 2, the character reference "third support strucutre" should be changed so as to read --third support structure--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-4 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kneip '838. Kneip '838 shows in Figures 1-4 a machine comprising a machine base frame (1), at least one framework guide supporting device (2,9,10) support on base frame, two horizontally extending guide arrangements (28,34) mounted one above the other and adapted to guide and support respectively two of said rectangular frameworks for intermittent horizontal movement, a tool supporting mechanism (3,4,5,6,7,31), at least one power tool (11,12,44), a transportation mechanism capable of moving the at least one power tool horizontally in said lengthwise direction of the base frame and vertically relative to the base frame (col. 2, lines 30-34), wherein the power tools can carry out one or more machining operations. Kneip '838 shows two of said at least one guide supporting device wherein each guide supporting device includes an elongate horizontal support frame (9,10) mounted for horizontal movement on said base frame in the widthwise direction. Kneip '838 shows the tool supporting mechanism including a horizontal support beam (31) mounted for horizontal movement on said base frame in the widthwise direction. Kneip '838 shows the transporting mechanism including a vertical support plate (Fig. 1) for horizontal movement on support beam (via arrows at 17,19) and a support carriage (Fig. 4) for vertical movement on the vertical support plate (via down arrows at 11,12). Kneip '838

shows two clamping arm assemblies (40,45) adapted to clamp said two frameworks and to firmly and temporarily hold a respective one of said two frameworks arranged along each pair of the rails.

10. Claims 11-14 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Daugherty '393. Daugherty '393 shows in Figures 1,2,5 and 28 an apparatus (50) for machining on plastic frameworks (W) comprising a tool carriage mechanism (64,66,68), adapted for mounting on a support member (59,61) and movable with respect to the support member (col. 3, lines 52-56), the tool carriage mechanism having a base unit (68) mountable on the support member, a support post (64) rotatable at one end (col. 5, line 66 through col. 6, line 17) and a first drive motor (100) capable of rotating support post about a central longitudinal axis, a power tool (69,70,72) including a second drive motor (70) and a tool (72), a support arm (68) pivotable (col. 3, lines 52-56) about a transverse axis substantially perpendicular to the central longitudinal axis and being mounted on a second end of support post which is opposite the one end and the power tool being mounted on a section of said support tool spaced away from the support post, a third drive motor (214) capable of pivoting the support arm and attached power tool for changing the operation orientation of the power tool. Daugherty '393 shows the tool carriage mechanism including a vertical mounting plate (66) on which base unit is movable and a drive motor mechanism adapted for moving base unit vertically on said mounting plate via a fourth drive motor (194). Daugherty '393 shows the central longitudinal axis of the support post being vertical and the support post comprising a hollow tube with the first drive motor mounted substantially in a lower section of the hollow tube (Fig. 5) and the third drive motor (214) mounted in an upper section of the hollow tube (Fig. 3). Daugherty '393 shows the power tool is a drilling unit including a drill bit holder (chuck) and the support arm pivotable through an angle of about 180 degrees (40 degrees from support arm plus angle contribution from rotatable

support post). Daugherty '393 shows in Fig. 28 the third drive motor unit includes a servomotor (214), a first bevel gear (216) and another bevel gear (238)_ mounted on a horizontal shaft (228) and driven by first bevel gear (col. 8, lines 3-29).

11. Claims 19,21,26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Daugherty '393. Daugherty '393 shows in Figures 1-2 an apparatus (50) for machining on plastic frameworks (W) comprising a power tool (69,70,72) including a first drive motor (70) and a tool device (72), a lever member (68) pivotable (col. 3, lines 52-56) about a first horizontal pivot axis and supporting the power tool at a location spaced from the pivot axis, a vertically extending first supporting structure (66) on which the lever member is mounted, a horizontally extending second support structure (64) on which the first support structure is mounted for rotation (col. 3, lines 38-45) about a substantially vertical axis of rotation, a third support structure (59,61) on which second support structure is movably mounted (col. 3, lines 29-34), a second drive motor (214) mounted on first support structure to pivot said lever member about said pivot axis (col. 7, lines 5-42), and a drive motor system (col. 5, line 66 through col. 6, line 17) mounted on one of the first and second support structures to rotate said first support structure about said axis of rotation. Daugherty '393 shows the tool device including a drill bit holder (chuck) and a drill bit (72), the lever member being a lever arm, and the horizontal pivot axis located at one end of the lever arm (left side of 68 about arcuate path 206). Daugherty '393 shows a support beam (94) adapted to extend horizontally wherein the third support structure is slidably mounted for movement along the beam in the lengthwise direction of the beam (col. 4, lines 38-43). Daugherty '393 shows a servomotor drive system (col. 4, lines 61-66) for moving the third support structure along the beam wherein the servomotor drive system includes a gear (116) rotatable for engagement with a rack (95) mounted on the beam (col. 4, line 61 through col. 5, line 8).

Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Daugherty '393 (redefining first, second and third support structures). Daugherty '393 shows in Figures 1,2 and 5 an apparatus (50) for machining on plastic frameworks (W) comprising a power tool (69,70,72) including a first drive motor (70) and a tool device (72), a lever member (66,68) pivotable (col. 3, lines 52-56) about a first horizontal pivot axis and supporting the power tool at a location spaced from the pivot axis, a vertically extending first supporting structure (64) on which the lever member is mounted, a horizontally extending second support structure (61) on which the first support structure is mounted for rotation (col. 3, lines 38-45) about a substantially vertical axis of rotation, a third support structure (59) on which second support structure is movably mounted (col. 3, lines 29-34), a second drive motor (214) mounted on first support structure to pivot said lever member about said pivot axis (col. 7, lines 5-42), and a drive motor system (col. 5, line 66 through col. 6, line 17) mounted on one of the first and second support structures to rotate said first support structure about said axis of rotation. Daugherty '393 shows the first support structure being a hollow, elongate post, said lever member pivotably mounted at a top end of the post, the second drive motor (194) mounted with an upper section of the post (Fig. 3) and drive motor system including a servomotor mounted within a lower section of post (Fig. 5).

Allowable Subject Matter

12. Claims 5-7,15-17,20,22,24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

13. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's

office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mrs. Monica S. Carter, may be reached at 571-272-4475.

In order to reduce pendency and avoid potential delays, group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 571-273-8300. This practice may be used for filling papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MWT
Examiner
18 January 2007

Monica S. Carter
MONICA CARTER
SUPERVISORY PATENT EXAMINER